

JULES A. EPSTEIN, P.C.  
Jules A. Epstein, Esq. (JE-5177)  
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Attorney for Defendant  
David Gottdenger

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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AMERICAN GENERAL LIFE INSURANCE  
COMPANY,

Case No: 08-4887  
(Vitaliano, J.)

Plaintiff,

- against -

**DEFENDANT'S INITIAL  
DISCLOSURES PURSUANT TO  
FRCP RULE 26(a)(1)**

DAVID GOTTDENGER,

Defendant.

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Defendant hereby makes the following initial disclosures pursuant to FRCP Rule 26(a)(1). These disclosures are made to the best of Defendant's knowledge at the time of service. Defendant reserves the right to supplement these disclosures at any time should additional information become available.

**A. Individuals Likely to Have Discoverable Information and the Subject of that Information.**

1. David Gottdenger, 390 Berry Street, Brooklyn, NY 11211.
2. Simon Spira, 23 Lenore Avenue, Munsey, NY 10952.
3. Aaron Azrylewitz, address unknown.

**B. Description by Category and Location of Documents.**

1. Application for life insurance and related instruments and documents. 2005 Policy and 2006 Policy are in Plaintiff's possession.
2. Upon information and belief, medical records pertaining to Diane Spira are in the possession of the healthcare providers identified in the applicable for life insurance.
3. The Agent Agreement is in the possession of both parties.
4. Financial records relating to Diana Spira are, upon information and belief, in the possession of Simon Spira and Aaron Azrylewitz.
5. Internal underwriting, protocols, guidelines, manuals, brochures, rules and regulations are in Plaintiff's possession.

**C. Computation of Damages by Category**

Not applicable.

**D. Insurance Agreement Available to Satisfy All or Part of a Judgment**

Not applicable.

Dated: Garden City, New York  
June 25, 2009

/s/ Jules A. Epstein  
By: Jules A. Epstein (JE-5177)  
Jules A. Epstein, P.C.  
Attorney for Defendant  
600 Old Country Road, Suite 505  
Garden City, NY 11530  
(516) 745-1325

TO: Robert P. Lesko, Esq.  
Wilson Elser Moskowitz Edelman & Dicker  
33 Washington Street  
Newark, NJ 07102  
973-624-0800

AFFIDAVIT OF SERVICE

STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NASSAU     )

NANCYJEAN BROMM, being duly sworn, deposes and says:

Deponent is not a party to the action, is over eighteen (18) years of age and resides in Islip, New York.

On June 25, 2009 deponent served the within via first class mail, depositing a true copy of the **DEFENDANT'S INITIAL DISCLOSURES PURSUANT TO FRCP RULE 26(a)(1)** thereof enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care of the United States Postal Service within the State of New York, addressed to each of the following persons at the last known address set forth after each name:

Robert P. Lesko, Esq.  
Wilson Elser Moskowitz Edelman & Dicker  
33 Washington Street  
Newark, NJ 07102  
973-624-0800

/s/ NancyJean Bromm  
NANCYJEAN BROMM

Sworn to before me this  
25<sup>th</sup> day of June, 2009

/s/ Jules A. Epstein  
Jules A. Epstein  
Notary Public, State of New York  
No. 4663760  
Qualified in Nassau County  
Commission Expires July 1, 2010

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Case #08-4887

AMERICAN GENERAL LIFE INSURANCE COMPANY,

Plaintiff,

- against -

DAVID GOTTDENGER,

Defendant.

**DEFENDANT'S INITIAL DISCLOSURES PURSUANT TO FRCP RULE 26(a) (1)**

JULES A. EPSTEIN, P.C.  
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Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: \_\_\_\_\_

Signature       /s/ Jules A. Epstein      

Print Signer's Name       JULES A. EPSTEIN      

Service of a copy of the within \_\_\_\_\_ is hereby admitted

Dated, .....  
Attorney(s) for Defendants

SIR: PLEASE TAKE NOTICE

NOTICE OF ENTRY that the within is a (certified) true copy of a \_\_\_\_\_ entered in the office of the clerk of the within named Court on \_\_\_\_\_ 2009

NOTICE OF SETTLEMENT that an Order of which the within is a true copy will be presented for settlement to the \_\_\_\_\_ one of the judges of the within named Court, at 100 Supreme Court Drive, Mineola, NY on \_\_\_\_\_, at 9:30 A. M.

Dated: Yours, etc.,  
Jules A. Epstein, P.C.  
Attorney for Defendant  
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(516) 222-1499 (Fax)